

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

ANTUAN S. HAILS, #217 513, )  
 )  
 Petitioner, )  
 )  
 v. ) CIVIL ACTION NO. 2:13-CV-184-WHA  
 )  
 CARTER DAVENPORT, WARDEN, )  
 and LUTHER STRANGE, ATTORNEY )  
 GENERAL FOR THE STATE OF )  
 ALABAMA, )  
 )  
 Respondents. )

**ORDER**

This case is before the court on Recommendation of the Magistrate Judge (Doc. #25) and the Petitioner’s Objection to the Recommendation (Doc. #26).

Following an independent evaluation and *de novo* review of the file in this case, the court finds that the objection is without merit and is due to be overruled.

In his Objection, Petitioner does not contest the Magistrate Judge’s finding that his habeas petition is time-barred. Petitioner instead re-argues the merits of his actual innocence claim. He maintains that he can prove his innocence through eyewitness testimony that was suppressed in a “clandestine” manner by the State and his trial attorney. (Doc. #26).

Petitioner asserts that he has been trying to obtain new evidence from witnesses and that he is “still in the process” of trying to acquire such information, twelve years after his convictions. (Doc. #26). Petitioner fails to point to any “new reliable evidence” to establish his actual innocence. *See Schlup v. Delo*, 513 U.S. 298, 324 (1995). Thus, the petition is time-barred under 28 U.S.C. §2244(d).

Accordingly, the objection is OVERRULED, and the court ADOPTS the Recommendation of the Magistrate Judge.

It is hereby ORDERED the petition for habeas corpus relief filed by Antuan Hails is DENIED as it was not filed within the period of limitation established by applicable federal law and the case is DISMISSED with prejudice.

Done this 17th day of March, 2016.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATE DISTRICT JUDGE